



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

January 31, 1997

Ms. Felicia Wasson  
Assistant City Attorney  
City of Dallas Criminal Law and Police Division  
Municipal Building  
Dallas, Texas 75201

OR97-0214

Dear Ms. Wasson:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 103579.

The City of Dallas (the "city") received an open records request for copies of the "911 call sheet information dated December 13, 1995." You assert that the requested information is excepted from disclosure under sections 552.103 and 552.108 of the Government Code.

Although the request was received by the city on September 19, 1996, the city did not seek a decision from this office until November 12, 1996. *See* Gov't Code § 552.308 (post office cancellation mark shows whether request is timely). Section 552.301 of the Government Code provides that:

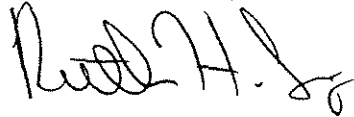
(a) A governmental body that receives a written request for information that it wishes to withhold from public disclosure and that it considers to be within one of the exceptions under [chapter 552] must ask for a decision from the attorney general about whether the information is within that exception if there has not been a previous determination about whether the information falls within one of the exceptions. The governmental body must ask for the attorney general's decision and state the exceptions that apply *within a reasonable time but not later than the 10th calendar day after the date of receiving the written request*. (Emphasis added.)

Chapter 552 thus imposes a duty on a governmental body seeking an open records decision to submit that request to this office within ten days after receipt of the written request for information. Failure to abide by this provision results in the presumption that the information is public. Gov't Code § 552.302.

The presumption that information is public when the ten day deadline is not met can only be overcome by a compelling demonstration that the information at issue should not be made public, such as when information is made confidential by other law. *See* Open Records Decision No. 150 (1977) (presumption of openness overcome by showing information was made confidential by other law or affects third party interests). You have not shown a compelling reason for withholding the requested information under sections 552.103(a) and 552.108. Thus, you may not withhold the requested information from disclosure.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. *If you have questions about this ruling, please contact our office.*

Yours very truly,

A handwritten signature in dark ink, appearing to read 'Ruth H. Soucy', with a stylized flourish at the end.

Ruth H. Soucy  
Assistant Attorney General  
Open Records Division

RHS/SAB/ch

Ref.: ID# 103579

Enclosures: Submitted documents

cc.: Mr. Harold Spradling  
307 S. Willomet  
Dallas, Texas 75208  
(w/o enclosures)